

B. S. B. asks the Utah Labor Commission to review Administrative Law Judge Hann's denial of Ms. B.'s claim for additional benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUES PRESENTED

On March 8, 1999, Ms. B. accidentally fell while working for Allied Signal. On August 6, 2001, she filed an application with the Commission to compel Allied Signal and its insurance carrier, Zurich Insurance (referred to jointly as "Allied" hereafter), to pay workers' compensation benefits for injuries allegedly caused by the accident. On November 7, 2002, Judge Hann held an evidentiary hearing on the claim. She later referred the medical aspects of the claim to a medical panel. After receiving the panel's report, Judge Hann concluded that Ms. B. was not entitled to additional workers' compensation benefits because her injuries were not caused by her work accident.

Ms. B. now seeks Commission review of Judge Hann's decision.¹ Ms. B. argues that: 1) her objection to the medical panel report was timely filed and should be considered; 2) she is entitled to permanent partial disability compensation for injury to her lumbar spine; and 3) she is entitled to continuing medical care for left wrist and lumbar spine injuries.

FINDINGS OF FACT

The Commission affirms and adopts the findings of fact set forth in Judge Hann's decision.

DISCUSSION AND CONCLUSION OF LAW

As a preliminary matter, Ms. B. contends she filed timely objections to the medical panel's report and that those objections should be considered on their merits. However, Judge Hann's decision shows that she did consider the merits of Ms. B.'S objections, but found the objections to be without substance. The Commission agrees, for the reasons stated by Judge Hann.

Turning to Ms. B.'S contention that she is entitled to compensation for a lumbar spine impairment and payment of future medical expenses for treatment of her lumbar spine and left wrist, the Commission accepts the panel's opinion that Ms. B.'S lumbar spine and left wrist injuries were not caused by her work accident. The Commission therefore concludes that Ms. B. is not entitled to the workers' compensation benefits for those injuries.

ORDER

The Commission affirms Judge Hann's decision and denies Ms. B.'S motion for review. It is so ordered.

Dated this 18th day of August, 2004.

R. Lee Ellertson, Commissioner

1. The Commission notes that Forever Homes has submitting nothing in response to Mr. O.'s motion for review.